

R-5-8154

070

X

02/11/78

029

MEMORANDUM FOR: Mr. Houston

SUBJECT : Payment of Travel Expenses of Members of the
Family of Agency Employees

1. You have seen the attached file which contains a request from the Chief of Administration, Office of the Deputy Director (Plans), for the revision of Agency Regulations to broaden the definition of "members of family" to permit FOS travel at Government expense of grandparents and grandchildren who are, in fact, dependents of employees. Other memoranda attached contain informal opinions as to the desirability and legality of so doing.

2. As a matter of logic and as I interpret the probable intent of Congress in passing legislation which permits the travel of "members of the family" of officers and employees, I am most sympathetic to any proposal which recognizes that as a matter of employee relationships the Government must collaborate in the maintenance of family households. Thus, the Government, as an inducement to its employees to travel and serve at distant posts, is well advised, if not forced, to pay the transportation costs of the entire family and to pay larger quarters allowances and cost of living allowances to employees with dependents at foreign posts. This seems to justify an interpretation by CIA that members of a family include any persons dependent upon and, in fact, part of the households of CIA employees. It seems to me, however, that if we extend the relatively loose language in the Central Intelligence Act of 1949, authorizing payment of the travel expenses of "members of the family", to include dependents not stipulated in the Foreign Service Regulation (which implements identical legislative language), we may find that we have:

a. Given an indefensible interpretation to legislative language due to the fact that it may already have been delineated by Opinions of the Comptroller General or by Congressional Committee Hearings;

b. Created a new definition of "members of family" based upon logical and equitable principles only to emphasize identical inequities in some of the other equivalent statutory provisions over which we have no comparable authorities for

alteration, for example, Government regulations on Separation Allowances, Cost of Living Allowances and Quarters Allowances all involve definitions of dependents which seem to be very precise and inflexible;

c. Created a new definition of "members of family", lacking sufficient precision to be readily administrable. Obviously, a definition based purely on the principle of monetary dependency for support (the income tax basis) could contain both equity and legal problems where members of the immediate family are financially independent. Alternatively, a definition based merely on residency in a common household could, in some cases, go far beyond the intent of Congress.

3. In view of these considerations, I am inclined to feel that we should stick to the letter of the definition used in the Foreign Service Regulations and handle any specific cases which appear to be within the intent of the law, on the basis of individual approvals.

4. Since the questions involved in making a determination as to whether we can or should alter our Agency Regulations seem to be largely a matter of legislative intent and General Accounting Office interpretation thereof, I wish you would investigate this thoroughly and then submit a specific recommendation. If your recommendation is that we should and can revise the Agency Regulations, please propose a new basis for the revised Regulation which you believe would be legally acceptable and capable of administration without creating problems in related areas.

L. K. WHITE
Deputy Director
(Administration)

SA-DD/A:EDE:mrp (22 July 1954)

Distribution:

1 - DD/A Chrono
1 - DD/A Subject: *Acct*²

Attachments